



Records Custodian

**State of New Mexico
Bernalillo County
Metropolitan Court**

401 Lomas NW
Albuquerque, New Mexico 87102
P.O. Box 133
Albuquerque, New Mexico 87103
Fax (505) 222-4800
recordscustodian@metrocourt.state.nm.us

December 6, 2019

VIA Email

MuckRock News Department
Lucy Parsons Lab
MR 82895, 411A Highland Avenue
Somerville, MA 02144
82895-71535069@requests.muckrock.com

Inspection of Public Records Act Request received
November 21, 2019

Dear Lucy Parsons Lab:

It is the policy of the Bernalillo County Metropolitan Court ("Court") to be fully responsive to all requests for the inspection of public records available under the Inspection of Public Records Act, NMSA 1978, § 14-2-1 et seq. ("IPRA"). We have received your request forwarded by the State of New Mexico Administrative Office of the Courts on November 21, 2019 where you have requested that the Court provide:

For all search warrants, applications for search warrants, cancellations, and authorization for search warrants between 2012 to the date of processing this request, please provide the following points of record for each:

Full Name of requester

If arrest, arrest ID (eg some cities/states use, "Incident Report")

Reason(s) for search warrant (typically either hand-written, or checkboxes)

Badge ID (or similar) of requester

District/Unit

Name of Judge

Name of approving officer

Whether an Arrest happened

Requested location of search warrant

Location of search warrant execution

Type of search warrant

Statements used to justify search warrant

Time and date when search warrant was submitted for approval

Time and date when search warrant was executed

Whether anything was seized

Whether anything was found

License plate of vehicle (if relevant)

Race of person fr search warrant

Age of person for search warrant

State of person for search warrant

Whether an informant was involved

Method of contact with informant leading to search warrant (eg, phone call, mail, fax, email, etc)

Description of person search warrant executed on

Legal code of violation

Description of violation

Date of violation

If search warrant related to debt: name of company debt is owed to, amount owed

Whether FBI involved

ID associated with FBI document (eg, IR #)

Whether search warrant was cancelled

Whether contraband found

Whether narcotics found

The records responsive to this request are likely available in a database, or in some query-able format. If your department or agency does not have direct access to the records, please raise to the respective department that can run queries directly (eg, through SQL).

Should your agency not have all of the requested records within a single record or document, please provide me the relevant documents that do, even if that requires more than one class of document. Should some of the records be unavailable, please let me know ahead of time so that we can narrow the request accordingly.

As the records responsive to this request are imperative for understanding how search warrants are executed, I ask that the public interest of these records be evaluated to the extent that the public's interest outweighs this request's burden. To add, this request is being sent to the largest city of every state and will be collated together to create a comprehensive map of search warrants throughout the US. As such, the records are not only important for understanding search warrants at a local level, but also at a national and state-wide level.

Please ensure that provided documents comply with Section 508, as these records will be shared with members of the public who are covered under the ADA. This guide should be helpful: <https://www.hhs.gov/web/section-508/making-files-accessible/checklist/pdf/index.html>

If this request was sent to the wrong department or agency, please let me know so that I can send to the correct place.

The requested documents will be made available to the general public, and this request is not being made for commercial purposes.

In the event that there are fees, I would be grateful if you would inform me of the total charges in advance of fulfilling my request. I would prefer the request filled electronically, by e-mail attachment if available or CD-ROM if not.

The Inspection of Public Records Act provides the public with the right to access government records. IPRA requires government agencies to allow the inspection of existing records. Your request is not for a record. Instead, you ask for bulk data relating to search warrants since 2012. The New Mexico IPRA does not impose a duty on state agencies to create records that do not already exist. Specifically, the provisions of IPRA do not require a governmental body to create documents, lists, spreadsheets, statistics, or other reports in order to respond to a records request. See NMSA 1978, §14-2-8(B) (Nothing in the Inspection of Public Records Act shall be construed to require a public body to create a public record.)

The Bernalillo Metropolitan Court uses the Odyssey Case Management System for docketing and case management purposes. Please be advised that the Odyssey system is not being utilized to capture and report the specific and discrete data you requested regarding search warrants. The Court does not maintain or run reports that would routinely gather and produce the data you requested. As noted above, IPRA does not require an agency to create a report that does not exist.

As per Rule 7-208 NMRA, Search Warrants “shall be executed by a full-time salaried state or county law enforcement officer, a municipal police officer, a campus security officer, an Indian tribal or pueblo law enforcement officer, or a civil officer of the United States authorized to enforce or assist in enforcing any federal law.” Therefore, public records requests seeking law enforcement records should be requested through the law enforcement agency that handled the criminal investigation, namely the Albuquerque Police Department (APD) or the Bernalillo County Sheriff’s Office (BCSO). The APD records custodian can be reached via email at cityclerkipra@cabq.gov. The BCSO records Custodian can be reached at rfloryance@bernco.gov.

For more Court case information, please feel free to visit the Judiciary’s web-based case management website at <https://caselookup.nmcourts.gov/caselookup/>.

Sincerely,

A handwritten signature in black ink that reads "Robert L. Padilla". The signature is written in a cursive, flowing style.

Robert L. Padilla
Records Custodian